

ENVIRONMENTAL PROTECTION COMMISSION[567]

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, “Water Quality Standards,” Iowa Administrative Code.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on March 11, 2009 as **ARC 7624B**. Six public hearings were held with notice of the hearings sent to various individuals, organizations, associations and interest groups, and to statewide news network organizations. Comments were received from approximately 252 persons and organizations. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

The adopted amendments have been modified from those published in the Notice. Prior to presenting the amendments to the Environmental Protection Commission for approval, the Department made specific changes to 2 stream segments. The modifications were made after all comments from the public comment process were considered.

The changes made to the Notice prior to presentation to the Commission are as follows:

- 1) Ballard Creek (Story Co.) – added Class A3 near the City of Cambridge
- 2) Little Maquoketa River (Dubuque Co.) – changed from Class A2 to Class A1 from Durango to Asbury Road.

The amendments were presented to the Environmental Protection Commission on June 16, 2009 and July 21, 2009. Public comments were accepted, and the amendments were discussed by the Commission. The Commission adopted amendments to the stream classifications adopted by reference in this rulemaking at the July 21, 2009 meeting. In addition to adopting the 2 amendments described above, the Commission adopted the following amendments:

The Commission removed the following stream segments from the rule making because the Commission determined that these streams warrant a Class A1 recreational use designation:

1. Hartgrave Creek in Franklin and Butler County from the Mouth (S34, T92N, R18W, Butler Co.) to confluence with Squaw Cr. (S28, T92N, R19W, Franklin Co.)

The Commission changed the following stream segments to a Class A3 recreational use designation:

1. Little Bear Creek in Poweshiek County throughout the City of Brooklyn (From E. Line S23, T80N, R14W Poweshiek Co. to the confluence with Unnamed Creek (NW14, SE1/4 S22, T80N, R14W Poweshiek Co.))

The Commission tabled action on 32 stream segments proposed for Class A2 and approved the remainder of the streams listed in the Notice of Intended Action.

With the inclusion of the modifications described above, this Adopted and Filed rule making changes the Commission's Water Quality Standards (WQS) as summarized below:

The following stream segments were approved:

#### Class A2 Stream Segments

1. Big Bear Creek (Poweshiek/Iowa Co.)
2. Deep Creek (Plymouth Co.)
3. East Nodaway River
4. Elk Run (Black Hawk Co.)
5. Flint Creek (Des Moines Co.)
6. Granger Creek (Dubuque Co.)
7. Little Bear Creek (Poweshiek Co.) (previous A2 segment split into two based on EPC amendment)
8. Little Bear Creek (Poweshiek Co.) (previous A2 segment split into two based on EPC amendment)
9. Mud Creek (Benton Co.)
10. Otter Creek (Franklin Co.)
11. Otter Creek (Franklin Co.)
12. Shoal Creek (Appanoose Co.)
13. South Timber Creek (Marshall Co.)
14. Spring Creek (Franklin Co.)
15. Spring Creek (Franklin Co.)
16. Squaw Creek (Franklin Co.)
17. Squaw Creek (Linn Co.)
18. Stony Creek (Clay Co.)
19. Timber Creek (Marshall Co.)
20. Unnamed Creek (City of Carroll)
21. Willow Creek (Cerro Gordo Co.)

#### Class A2, B(WW-2) Stream Segments

1. Apple Creek (Linn Co.)
2. Bear Creek (Wapello Co.)
3. Brush Creek (Marshall Co.)
4. Bulger Creek (Dallas Co.)
5. Burr Oak Creek (Jefferson Co.)
6. Clear Creek (Cerro Gordo Co.)
7. Crooked Creek (Cedar Co.)
8. Drainage Ditch #13 (Hancock Co.)
9. Drainage Ditch #4 (Wright Co.)
10. Drainage Ditch #81 (Hancock Co.)
11. Dry Creek (Benton/Linn Co.)
12. East Branch Blue Creek (Linn Co.)
13. Fourmile Creek (Kossuth Co.)
14. Fudge Creek (Wapello Co.)
15. Hawkeye-Dolbee Diversion Channel (Des Moines Co.)
16. Indian Creek (Tama Co.)

17. Little Flint Creek (Des Moines Co.)
18. Lutes Creek (Marshall Co.)
19. Marvel Creek (Adair Co.)
20. Murray Creek (O'Brien Co.)
21. Neola Creek (Pottawattamie Co.)
22. North Timber Creek (Marshall Co.)
23. Orange City Slough (Sioux Co.)
24. Sewer Creek (Jasper Co.)
25. Sixmile Creek (Sioux Co.)
26. Snipe Creek (Marshall Co.)
27. Sugar Creek (Keokuk Co.)
28. Unnamed Creek (#1) (City of Atkins)
29. Unnamed Creek (#1) (City of Brighton)
30. Unnamed Creek (#1) (City of Elkhart)
31. Unnamed Creek (#1) (HWH Company)
32. Unnamed Creek (#1) (Lakewood Estates MHP)
33. Unnamed Creek (#1) (Little Sioux Corn Processing)
34. Unnamed Creek (#1) (Missouri Valley Energy - Exira)
35. Unnamed Creek (#1) (Missouri Valley Energy - Exira)
36. Unnamed Creek (#1) (Siouxland Energy)
37. Unnamed Creek (#2) (City of Atkins)
38. Unnamed Creek (#2) (City of Brighton)
39. Unnamed Creek (#2) (City of Elkhart)
40. Unnamed Creek (#2) (City of Middletown)
41. Unnamed Creek (#2) (City of Milo)
42. Unnamed Creek (aka Johnson's Creek)
43. Unnamed Creek (Bulk Petroleum)
44. Unnamed Creek (Chantland-PVS Company)
45. Unnamed Creek (City of Creston WWTP)
46. Unnamed Creek (City of Earlville)
47. Unnamed Creek (City of Hedrick)
48. Unnamed Creek (City of Hills)
49. Unnamed Creek (City of Malvern)
50. Unnamed Creek (City of Remsen)
51. Unnamed Creek (City of Sioux Center)
52. Unnamed Creek (City of Sully)
53. Unnamed Creek (Corn Belt Power)(aka Bull Ditch)
54. Unnamed Creek (DNR Viking Lake)
55. Unnamed Creek (Echo Valley MHP #2)
56. Unnamed Creek (Ecosystems Inc.)
57. Unnamed Creek (Heartland Lysine)
58. Unnamed Creek (IAMU)
59. Unnamed Creek (McCreary Community Building)

60. Unnamed Creek (Siouxpreme Packing)
61. Unnamed Creek (Tri-Center Community School)
62. Unnamed Creek (Wells Dairy Mill Plant)
63. Waugh Branch (Keokuk Co.)
64. West Branch Blue Creek (Benton Co.)

Class A2, B(WW-3) Stream Segments

1. Barlene Creek (Lee Co.)
2. Unnamed Creek (#1) (City of Milo)

Class A3, B(WW-2) Stream Segments

1. Brewers Creek (Hamilton Co.)
2. Crow Creek (Jefferson Co.)
3. Dry Creek (Linn Co.)
4. Unnamed Creek (John Deere Davenport Works)
5. Unnamed Creek (Magellan Pipeline - Johnson Co.)
6. Unnamed Creek (Wells Dairy - North Plant)

Class A3 Stream Segments

1. Big Bear Creek (Poweshiek/Iowa Co.)
2. Black Hawk Creek (Black Hawk/Grundy Co.)
3. Elk Run (Black Hawk Co.)
4. Indian Creek (Linn Co.)
5. Mosquito Creek (Pottawattamie Co.)
6. Otter Creek (Franklin Co.)
7. Plum Creek (Delaware Co.)
8. Spring Creek (Franklin Co.)
9. Squaw Creek (Franklin Co.)
10. Willow Creek (Cerro Gordo Co.)
11. Willow Creek (Cerro Gordo Co.)

Class HH Stream Segments

1. Milford Creek (Dickinson Co.)

Action was tabled for the following stream segments that are proposed as Class A2:

1. Ballard Creek (Story Co.)
2. Black Hawk Creek (Black Hawk/Grundy Co.)
3. Blue Creek (Benton/Linn Co.)

4. Brewers Creek (Hamilton Co.)
5. Deep Creek (Plymouth Co.)
6. Fourmile Creek (Union Co.)
7. Hawkeye Creek (Des Moines Co.)
8. Honey Creek (Delaware Co.)
9. Indian Creek (Audobon/Shelby/Cass Co.)
10. Indian Creek (Sac Co.)
11. Indian Creek (Sioux Co.)
12. Little Cedar River (Mitchell Co.)
13. Little Maquoketa River (Dubuque Co.)
14. Little Walnut Creek (Appanoose Co.)
15. Mitchell Creek (Jefferson Co.)
16. Mosquito Creek (Pottawattamie/Harrison/Shelby Co.)
17. Mud Creek (Polk Co.)
18. Platte River
19. Plum Creek (Delaware Co.)
20. Plum Creek (Delaware Co.)
21. Thompson River
22. Twelvemile Creek (Union Co.)
23. Unnamed Creek (#2) (City of Cincinnati)
24. Unnamed Creek (#2) (City of Hedrick)
25. Unnamed Creek (#2) (Oak Hills Subdivision)
26. Unnamed Creek (City of Huxley)
27. Unnamed Creek (IAAP)
28. Unnamed Creek (John Deere Engineering Center)
29. Unnamed Creek (Stacyville COOP Creamery)
30. Waterman Creek (O'Brien Co.)
31. West Branch Floyd River
32. Willow Creek (Cerro Gordo Co.)

The stream descriptions provided in this preamble are designed to provide clear notice to the public and may be subject to non-substantive corrections to conform to the format used in the stream classification document. The stream classification document now being adopted by reference also contains non-substantive revisions to previously adopted stream designations to correct typographical or descriptive errors. All designations conform to the previously-approved use designations, as amended by the Commission.

Additional information on Iowa's Water Quality Standards and the Department's rules can be found on the Department's Web site at

<http://www.iowadnr.com/water/standards/index.html>.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1, and will become effective September 16, 2009.

The following amendments are adopted.

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Amend subrule 61.3(5) as follows:

61.3(5) Surface water classification. The department hereby incorporates by reference "Surface Water Classification," effective ~~June 11, 2008~~ [effective date of rule to be inserted]. This document may be obtained on the department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

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Date

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Richard A. Leopold, Director

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